

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION THREE

In re M.N., a Person Coming Under the
Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

M.N.,

Defendant and Appellant.

A143107

(Contra Costa County
Super. Ct. No. J1400858)

Minor, M.N., appeals following his admission to the jurisdiction of the juvenile court and a contested disposition hearing. His court-appointed counsel has filed a brief seeking our independent review of the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436, to determine whether there are any arguable issues on appeal. Based upon our independent review, we determine there are no such issues and affirm.

BACKGROUND

M.N. was arrested in San Francisco on July 20, 2014, and detained in juvenile hall. A petition filed under Welfare and Institutions Code section 602 alleged he attempted to rob a man who was walking through the Stockton tunnel by pointing a handgun at him and demanding the victim to turn over money and his cell phone. When the victim suggested it was not good to commit robbery in front of witnesses, M.N. and

two other suspects fled the scene. The gun used in the attempted robbery was a pellet gun. The two other suspects were released to their parents and not charged.

M.N. admitted the charge of attempted robbery. His case was transferred to Contra Costa, his county of residence, for disposition. He remained in custody.

At the initial disposition hearing, M.N.'s lawyer and the probation department recommended home detention with community-based services. The district attorney recommended placement at the Orin Allen Youth Rehabilitation Facility (the ranch). After some question arose over whether M.N. was eligible for the ranch because he used a pellet gun to commit his crime, the court continued the hearing. When the disposition hearing reconvened several days later, the court determined the ranch was a permissible placement. The court asked the probation department if the availability of ranch placement would change the recommended disposition of home detention and community services. The probation officer replied that her recommendation would not change. The defense lawyer's position, now joined by the district attorney, remained that community placement for M.N. with a period of home detention was most suitable.

The juvenile court determined that the seriousness of the crime, M.N.'s use of the pellet gun, and his recent behavioral difficulties warranted a period of detention. He was committed to a six-month ranch program to be followed by a 90-day, post-release period of supervision with standard conditions. This appeal was timely.

DISCUSSION

There is no reason appearing in the record to question the sufficiency of M.N.'s admission to the charge. He was thoroughly advised of his rights and the consequences of his admission. The record reflects that he understood. The disposition chosen by the court was within the lawful range. The court was faced with the unenviable task of determining the suitable disposition for a young man who committed a serious and potentially violent crime. Although he had no prior record, and was supported by a caring and involved family, the court lawfully determined his offense required detention. There was no error.

Appellate counsel advised M.N. of his intention to file a *Wende* brief, and told him that he has the right to submit a supplemental argument on his own behalf. He has not done so. M.N. was also advised that he may request that his counsel be relieved.

DISPOSITION

The orders are affirmed.

Siggins, J.

We concur:

Pollak, Acting P.J.

Jenkins, J.